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CLERK OF DISTRICT COURT

By

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

January 2016 Grand Jury

UNITED STATES OF AMERICA,
Plaintiff,

v.

NICOLE KISSANE (2),
Defendant.

Case No. 15CR1928-LAB

I N D I C T M E N T
(Superseding)

Title 18, U.S.C., Sec. 43(a) and
(2)(C) - Conspiracy to Violate the
Animal Enterprise Terrorism Act;
Title 18, U.S.C., Sec. 43(a) and
(b)(2)(A) - Violations of the
Animal Enterprise Terrorism Act

The grand jury charges:

Count 1

Beginning at a date unknown to the grand jury, and continuing up to and including on or about February 2014, within the Southern District of California, and elsewhere, defendant NICOLE KISSANE, did knowingly and intentionally conspire with Joseph Buddenberg, charged elsewhere, and other persons known and unknown to the grand jury to travel in interstate and foreign commerce, and to use and cause to be used a facility of interstate and foreign commerce, for the purpose of damaging and interfering with the operations of animal enterprises, and in connection with that purpose, to intentionally damage and cause the loss of real and personal property, including, but not limited to,

1 animals and records used by the animal enterprises, and real and
2 personal property of persons having a connection to and relationship
3 with an animal enterprise, which offense resulted in economic damage
4 in an amount exceeding \$100,000, in violation of Title 18, United
5 States Code, Section 43(a) and (b)(2)(A).

6 MEANS AND METHODS OF THE CONSPIRACY

7 Among the means and methods by which the defendant participated
8 in the conspiracy were the following:

9 The defendant and Buddenberg, animal rights extremists, planned
10 multiple cross-country trips in the summer of 2013 to intentionally
11 cause harm to the fur industry, to individuals associated with that
12 industry, and to others opposed to their point of view. During those
13 trips, they drove approximately 40,000 miles.

14 The defendant and Buddenberg, who were unemployed, sold items on
15 eBay and Amazon to prepare for and finance these trips. They used
16 computers and cell phones to communicate with customers, and used the
17 postal service to ship items.

18 Immediately prior to going on their cross-country trips, in an
19 effort to avoid law enforcement detection, the defendant and
20 Buddenberg withdrew large sums of cash from their bank accounts.

21 While on their cross-country trips, in an effort to avoid law
22 enforcement detection, the defendant and Buddenberg largely avoided
23 the use of phones, ceased logging into known online accounts and
24 email, and used only cash to make purchases.

25 Once returning from their trips, the defendant and Buddenberg
26 resumed normal use of their phones and computers, and no longer solely
27 relied on cash to make purchases.

Additionally, in an effort to avoid law enforcement detection, the defendant and Buddenberg used public internet computers and encrypted email.

While on their trips, the defendant and Buddenberg released mink from mink farms and vandalized property associated with the fur industry.

To publicize their crimes, after releasing mink or vandalizing property, members of the conspiracy drafted "communiqués" which described their conduct. Members of the conspiracy caused these documents to be posted on websites associated with animal rights extremists.

During the course of their cross-country trips, the defendant and Buddenberg caused hundreds of thousands of dollars in damages.

OVERT ACTS

In furtherance of the conspiracy and to effect the objects thereof, within the Southern District of California and elsewhere, defendant NICOLE KISSANE, Joseph Buddenberg, and others unknown, did commit and cause to be committed the following overt acts, among others:

1. On or about June 28, 2013, the defendant and Buddenberg traveled from Portland, Oregon to Southern California in the defendant's 2012 Honda Fit.
2. On or about July 15, 2013, the defendant, Buddenberg, and another co-conspirator used paint, paint stripper, a super glue-type substance, butyric acid, muriatic acid, and glass etchant, to vandalize Furs by Graf, a retail furrier located in San Diego, California, and the residences and personal property of the current and former owners of Furs by Graf,

1 located in Spring Valley, California and La Mesa,
2 California.

3 3. On or about July 22, 2013 the defendant and Buddenberg
4 withdrew cash from a bank in Escondido, California.

5 4. On or about July 27, 2013, the defendant and Buddenberg
6 caused the release of a bobcat at the Frazier Fur Farm,
7 located in Plains, Montana.

8 5. On or about July 28, 2013, the defendant and Buddenberg
9 vandalized the personal and work vehicles of the Chief of
10 Police of Darby, Montana, an individual who was well-known
11 and disliked by animal rights activists.

12 6. On or about July 29, 2013, the defendant and Buddenberg
13 caused the release of, and destroyed the breeding records
14 of, approximately 1,800 mink from the Moyle Mink Ranch in
15 Burley, Idaho.

16 7. Between July 29, 2013 and August 7, 2013, the defendant and
17 Buddenberg returned to the San Francisco Bay Area.

18 8. On or about August 7, 2013, the defendant made a \$300 ATM
19 withdrawal in the San Francisco Bay Area.

20 9. On or about August 9, 2013, the defendant and Buddenberg
21 glued the locks of various animal enterprises in the San
22 Francisco Bay Area.

23 10. On or about August 10, 2013, the defendant and Buddenberg
24 glued the locks of an animal enterprise in the San Francisco
25 Bay Area.

26 11. On or about August 12, 2013, the defendant and Buddenberg
27 slashed multiple tires on multiple vehicles of a wholesale
28 meat distributor in the San Francisco Bay Area.

12. On or about August 12, 2013, the defendant made a \$300 ATM withdrawal in the San Francisco Bay Area.
13. On or about August 15, 2013, the defendant and Buddenberg broke the windows of a market in the San Francisco Bay Area.
14. On or about August 15, 2013, the defendant made a \$300 ATM withdrawal in the San Francisco Bay Area.
15. On or about August 16, 2013, the defendant and Buddenberg left the San Francisco Bay Area to travel cross country.
16. On or about August 17, 2013, the defendant attempted to shoplift heavy duty winter gloves from a store in Elko, Nevada.
17. On or about August 17, 2013, co-conspirator Buddenberg posted the defendant's bail.
18. On or about August 21, 2013, the defendant and Buddenberg smashed the windows and glued the door locks at Ribnick Fur and Leather, a furrier in Minneapolis, Minnesota.
19. On or about August 27, 2013, the defendant and Buddenberg vandalized and attempted to flood the Sun Prairie, Wisconsin, home of Victim A, an employee of the North American Fur Auctions.
20. On or about August 30, 2013, the defendant and Buddenberg released approximately 400-500 mink from the Donald B. Conrad Fur Farm in Keota, Iowa.
21. On or about September 6, 2013, the defendant and Buddenberg returned to the San Francisco Bay Area.
22. On or about September 9, 2013, the defendant and Buddenberg resumed listing items for sale online and began withdrawing cash from ATMs.

23. On or about September 25, 2013, the defendant and Buddenberg released approximately 1,000 mink from Rykola Mink Farm in Ebensburg, Pennsylvania.
24. On or about October 5, 2013, the defendant and Buddenberg released approximately 2,000 mink from Bonlander Farms in New Holstein, Wisconsin.
25. On or about October 6, 2013, the defendant and Buddenberg released approximately 440 mink from Myhre Mink Ranch in Grand Meadow, Minnesota.
26. On or about October 14, 2013, the defendant and Buddenberg returned to the San Francisco Bay Area.
27. On or before November 3, 2013, the defendant and Buddenberg left the San Francisco Bay Area.
28. On or about November 4, 2013, the defendant and Buddenberg travelled to Wright County, Iowa.
29. On or about November 17, 2013, the defendant and Buddenberg returned to the San Francisco Bay Area.
30. On or about November 20, 2013, the defendant possessed two one gallon jugs of muriatic acid, two bolt cutters, four wire cutters, various maps, and written material associated with the targeting and destruction of the fur industry.
31. On or about December 18, 2013, the defendant possessed multiple maps of various states, written material associated with the targeting and destruction of the fur industry, multiple cell phones, handwritten lists of fur farms and other animal enterprises, latex gloves, super glue, disposable gloves, heat resistant gloves, a knife,

1 headlamps, a walkie-talkie set, and encrypted computers and
2 USB drives.

3 All in violation of Title 18, United States Code, Section 43(a)
4 and (2)(C).

5 Count 2

6 On or about July 15, 2013, within the Southern District of
7 California, defendant NICOLE KISSANE used and caused to be used a
8 facility of interstate and foreign commerce, namely, a TomTom GPS
9 device, for the purpose of damaging and interfering with the
10 operations of an animal enterprise, namely Furs by Graf, a retail
11 furrier located in San Diego, California, and in connection with that
12 purpose, intentionally damaged and caused the loss of real and
13 personal property of a person and entity having a connection to and
14 relationship with an animal enterprise, to wit, vandalized the Spring
15 Valley, California residence and vehicle of the current owner of Furs
16 by Graf with paint, paint stripper, acid, window etchant, and other
17 means, which offense resulted in economic damage exceeding \$10,000; in
18 violation of Title 18, United States Code, Section 43(a) and
19 (b)(2)(A).

20 Count 3

21 On or about July 15, 2013, within the Southern District of
22 California, defendant NICOLE KISSANE used and caused to be used a
23 facility of interstate and foreign commerce, namely, a TomTom GPS
24 device, for the purpose of damaging and interfering with the
25 operations of an animal enterprise, namely Furs by Graf, a retail
26 furrier located in San Diego, California, and in connection with that
27 purpose, intentionally damaged and caused the loss of real and
28 personal property of a person and entity having a connection to and

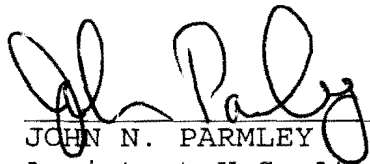
relationship with an animal enterprise, to wit, vandalized the La Mesa, California residence and vehicle of the former owners of Furs by Graf with paint, glass etchant, muriatic acid, paint stripper, and other means, which offense resulted in economic damage exceeding \$10,000; in violation of Title 18, United States Code, Section 43(a) and (b) (2) (A) .

DATED: September 15, 2016.

A TRUE BILL:


Foreperson

LAURA E. DUFFY
United States Attorney

By: 
JOHN N. PARMLEY
Assistant U.S. Attorney